



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Attorney Docket No: Q61663

Georg SIEGL

PCT/AT99/00115

Appln. No.: 09/700,258

Group Art Unit: 3632

Confirmation No.: 3625

Examiner: Deborah Brann

Filed: November 13, 2000

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JAN 11 2005

For: PRESENTATION DEVICE

OFFICE OF PETITIONS

**PETITION UNDER 37 CFR § 1.181 TO WITHDRAW A HOLDING
OF ABANDONMENT**

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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FEB 17 2005

**U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Sir:

The undersigned, on behalf of Applicant, petitions the Commissioner requesting withdrawal of the holding of abandonment of the above identified application. The Notice of Abandonment (Paper No. 22) indicates that application was abandoned because "The decision by the Board of Patent Appeals and Interferences rendered on 21 September 2004 and because the period for seeking court review of the decision has expired and there are no allowed claims". However, the decision by the Board of Patent Appeals and Interferences rendered on September 21, 2004, affirms-in-part the examiner's decision. MPEP § 1214.06 (B) states that in a situation such as this (where the Board affirms a rejection against an independent claim and reverses all rejections against dependent claims), the Examiner should either (1) convert the dependent claims into independent claims by Examiner's Amendment, cancel the rejected claims and pass the application to issue; or (2) set a one month time limit in which the Appellant may rewrite the dependent claim in independent form. Therefore, the application should have been returned to the Examiner to act as identified in MPEP § 1214.06 (B) and no action by applicant was required.

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GROUP 3600

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In view of the foregoing, it is respectfully submitted that the application should not have been abandoned and the Commissioner is petitioned to withdraw the holding of abandonment.

Concurrently filed herewith is an RCE to place the allowable claims in condition for allowance and adding new claims intended to improve the scope of protection.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 7, 2005